

**REMARKS**

The Final Office Action mailed November 29, 2006, has been received and reviewed. Claims 18 through 22, 24, and 28 through 34 are currently pending in the application. Claims 18 through 22, 24, and 28 through 34 stand rejected. Applicants propose to amend claims 18, 29 and 33, and respectfully request reconsideration of the application as proposed to be amended herein.

**35 U.S.C. § 102 Anticipation Rejections**

**Anticipation Rejection Based on U.S. Patent No. 6,866,117 to Moss**

Claims 18 through 22, 24, and 28 through 34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Moss (U.S. Patent No. 6,866,117). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In a telephone conference on November 17, 2006, between the Examiner and the Applicants' undersigned attorney, the Examiner proposed amending claim 18 to include the subject matter now set forth in claim 18 (as proposed to be amended herein) to place the application in condition for allowance. Unfortunately, Applicants' undersigned attorney was not, at that time, able to provide the Examiner with approval for the proposed amendment.

Applicants now propose to amend claim 18 to include the subject matter suggested by the Examiner in the Nov. 17, 2006 telephonic conference in order to place the application in condition for allowance.

Applicants, therefore, submit that claim 18, as proposed to be amended herein, is in condition for allowance. Applicants further submit that claims 19 through 22, 24 and 28 through 34 are also allowable at least by virtue of their dependency from an allowable base claim.

Applicants, therefore, respectfully request reconsideration and allowance of claims 18

through 22, 24 and 28 through 34.

It is noted that the language of the currently proposed amendment may differ slightly from the Examiner's proposed language simply to enhance the flow and readability of the claim, as well as to preserve antecedent basis for certain elements. If the Examiner feels that the proposed language does not conform with the language discussed in November 2006, the Examiner is invited to contact Applicants' undersigned attorney to discuss any such issues.

Anticipation Rejection Based on U.S. Patent No. 5,353,892 to Lu

Claims 18 through 20, 22, 28, and 32 through 34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lu (U.S. Patent No. 5,353,892). Applicants respectfully traverse this rejection, as hereinafter set forth.

As set forth hereinabove, claim 18 is proposed to be amended herein to include subject matter proposed by the Examiner in a prior telephonic conference, the inclusion of which subject matter was indicated by the Examiner to place the application in condition for allowance.

Applicants, therefore, submit that claim 18, as proposed to be amended herein, is in condition for allowance. Applicants further submit that claims 19, 20, 22, 28 and 32 through 34 are also allowable at least by virtue of their dependency from an allowable base claim.

Applicants, therefore, respectfully request reconsideration and allowance of claims 18 through 20, 22, 28 and 32 through 34.

Anticipation Rejection Based on U.S. Patent No. 453,193 to Kinser

Claims 18, 22, 28 and 34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kinser (U.S. Patent No. 453,193). Applicants respectfully traverse this rejection, as hereinafter set forth.

As set forth hereinabove, claim 18 is proposed to be amended herein to include subject matter proposed by the Examiner in a prior telephonic conference, the inclusion of which subject matter was indicated by the Examiner to place the application in condition for allowance.

Applicants, therefore, submit that claim 18, as proposed to be amended herein, is in condition for allowance. Applicants further submit that claims 22, 28 and 34 are also allowable

at least by virtue of their dependency from an allowable base claim.

Applicants, therefore, respectfully request reconsideration and allowance of claims 18, 22, 28 and 34.

Anticipation Rejection Based on U.S. Patent No. 1,973,774 to Pflugradt

Claims 18, 22, 28, and 32 through 34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pflugradt (U.S. Patent No. 1,973,774). Applicants respectfully traverse this rejection, as hereinafter set forth.

As set forth hereinabove, claim 18 is proposed to be amended herein to include subject matter proposed by the Examiner in a prior telephonic conference, the inclusion of which subject matter was indicated by the Examiner to place the application in condition for allowance.

Applicants, therefore, submit that claim 18, as proposed to be amended herein, is in condition for allowance. Applicants further submit that claims 22, 28, and 32 through 34 are also allowable at least by virtue of their dependency from an allowable base claim.

Applicants, therefore, respectfully request reconsideration and allowance of claims 18, 22, 28, and 32 through 34.

**35 U.S.C. § 103(a) Obviousness Rejections**

Obviousness Rejection Based on U.S. Patent No. 1,973,774 to Pflugradt, U.S. Patent No. 453,193 to Kinser or U.S. Patent No. 5,353,892 to Lu

Claims 24 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pflugradt (U.S. Patent No. 1,973,774), Kinser (U.S. Patent No. 453,193) or Lu (U.S. Patent No. 5,353,892). Applicants respectfully traverse this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.**

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Claims 24 and 28 each depend, ultimately, from independent claim 18. As set forth hereinabove, independent claim 18 is proposed to be amended herein to include subject matter proposed by the Examiner in a prior telephonic conference, the inclusion of which subject matter was indicated by the Examiner to place the application in condition for allowance.

Thus, as set forth hereinabove, Applicants submit that independent claim 18 is in condition for allowance. Applicants further submit that claims 24 and 29 are also allowable at least by virtue of their dependency from an allowable base claim.

Applicants, therefore, respectfully request reconsideration and allowance of claims 24 and 29.

Obviousness Rejection Based on U.S. Patent No. 5,353,892 to Lu in view of either U.S. Patent No. 5,279,387 to Swiderski et al. or U.S. Patent No. 4,773,503 to Purkapile

Claims 21, 30 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lu (U.S. Patent No. 5,353,892) in view of either Swiderski et al. (U.S. Patent No. 5,279,387) or Purkapile (U.S. Patent No. 4,773,503). Applicants respectfully traverse this rejection, as hereinafter set forth.

Each of claims 21, 30 and 31 depend, ultimately, from claim 18. As set forth hereinabove, independent claim 18 is proposed to be amended herein to include subject matter proposed by the Examiner in a prior telephonic conference, the inclusion of which subject matter was indicated by the Examiner to place the application in condition for allowance.

Thus, as set forth hereinabove, Applicants submit that independent claim 18 is in condition for allowance. Applicants further submit that claims 21, 30 and 31 are also allowable at least by virtue of their dependency from an allowable base claim.

Applicants, therefore, respectfully request reconsideration and allowance of claims 21, 30 and 31.

Obviousness Rejection Based on U.S. Patent No. 6,866,117 to Moss in view of either U.S. Patent No. 4,947,959 to Yuen or U.S. Patent No. 3,811,151 to Kuemmerlin

Claims 19, 20, 30 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moss (U.S. Patent No. 6,866,117) in view of either Yuen (U.S. Patent No. 4,947,959) or Kuemmerlin (U.S. Patent No. 3,811,151). Applicants respectfully traverse this rejection, as hereinafter set forth.

Each of claims 19, 20, 30 and 31 depend, ultimately, from claim 18. As set forth hereinabove, independent claim 18 is proposed to be amended herein to include subject matter proposed by the Examiner in a prior telephonic conference, the inclusion of which subject matter was indicated by the Examiner to place the application in condition for allowance.

Thus, as set forth hereinabove, Applicants submit that independent claim 18 is in condition for allowance. Applicants further submit that claims 19, 20, 30 and 31 are also allowable at least by virtue of their dependency from an allowable base claim.

Applicants, therefore, respectfully request reconsideration and allowance of claims 19, 20, 30 and 31.

### ENTRY OF AMENDMENTS

The proposed amendments to claims 18, 29 and 33 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search, particularly considering that they include subject matter proposed by the Examiner in a prior telephonic conference. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

### CONCLUSION

Claims 18 through 22, 24, and 28 through 34 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



Bradley B. Jensen  
Registration No. 46,801  
Attorney for Applicants  
TRASKBRITT  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

Date: February 28, 2007  
BBJ/dlm:tlp

Document in ProLaw